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Peter Green Associates  
Old Forge Studio  
STEEPLE ASTON  
Oxfordshire  
OX5 3RW

Your reference

PG 18/B

Our reference

T/APP/C3105/A/89/121228/P8

Date

24 OCT 89

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPEAL BY: MR JOHN KELLY  
APPLICATION NO: CHS 999/88

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Cherwell District Council to refuse outline planning permission for the erection of a dwelling house and single storey annex for a groom on land at South Lodge Riding Stables, Caversfield. I have considered the written representations made by you and by the Council and also those made by other interested persons. I have also considered those representations made directly by the Parish Council and other parties to the Council which have been forwarded to me. I inspected the site on 19 September 1989.

2. South Lodge is a house standing on the western side of Fringford Road, with a separate garage behind the dwelling and a residential caravan with outbuildings attached near the garage. An accessway runs from the main road by the north side of South Lodge and runs in a northerly direction to a riding establishment and stables complex standing some distance from the road. The complex includes a large indoor riding school, several blocks of stables, barns, tack room, office and toilet accommodation. The appeal site is situated immediately to the south of the complex and to the west of the access drive. The site comprises an approximately triangular area of grassed land, including part of a field to the south-west.

3. From my inspection of the site and its surroundings and consideration of the written representations made, it is my opinion that the main issue in this case is whether the proposal would constitute appropriate development having regard to the locations of the appeal site, your client's riding establishment and stables complex and South Lodge, your client's existing business and his future proposals and the Council's approved policies for the control of development.

4. In support of your client's appeal, you have explained that the increasing need to stable horses from other parts of the country has led to a requirement for constant supervision of the stables complex, that vandalism and trespass are increasing apparently as a result of the occupation of about 300 new houses on the east side of Fringford Road, and that the existing accommodation at South Lodge is not only unsatisfactory for the groom but also provides only minimal supervision of the riding school and stables complex. It seems to me that the Council does not dispute that your client's business is a viable undertaking with 3 full-time employees and part-time staff and casual workers. The Council has argued that the existing accommodation at South Lodge provides adequate security for the riding school and surrounding buildings, being in as good a position to observe intruders



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as the proposed accommodation. I note, however, that South Lodge is about 225 yds (206 m) from the above building. In my opinion it is difficult to observe or otherwise detect intruders in the stables complex at this distance, particularly during the hours of darkness. To have a groom on continuous watch within the complex would not only be extremely arduous during the long winter nights but it would also reduce the manpower available during the day or alternatively lead to increased manpower requirements. In my opinion your client's scheme would provide a greatly improved level of supervision using existing full time staff without any significant increase in manpower requirements. It would enable intruders to be detected more quickly than at present and appropriate action could be taken more rapidly to prevent damage or theft.

5. While accepting that increased proximity is of assistance, the Council maintains that the audibility of animals in distress in the stables within the proposed accommodation would be little better than within the existing accommodation. I accept that this may be so but it seems to me that in view of the distance from the stables, the noise of an animal in distress would be unlikely to be heard even by a person standing just outside South Lodge. The proposed development would make it easy and convenient for a member of staff to step outside to listen or indeed to make a quick tour of the stables, with consequent benefit to the welfare of the horses in the stables.

6. During my inspection I observed that many of the buildings in the riding school complex are timber framed, including the large barn where hay is stored. The stables, offices and other buildings also have substantial areas of timber cladding while some areas of cladding and the visitors platform in the riding school appear to be of combustible material. It is therefore my opinion that the risk of fire to this group of buildings is a very serious and considerable hazard, particularly in view of the increasing incidence of trespass and vandalism. I consider that the close proximity of your client's scheme would enable a more rapid and effective response to be made to an outbreak of fire than is possible with the present accommodation some 225 yds away. Horses would be led to safety more quickly and there would be an improved prospect of minimising damage to a complex which, with animals and equipment, has a value in excess of £250,000.

7. While emphasising that the proposed accommodation is justified by your client's present business, you have also explained that your client intends to diversify and start breeding. I observed that 5 larger stables have already been built and I regard these as firm evidence of your client's intentions. I note that initially these stables will indeed shortly accommodate some brood mares displaced from other stables near Bicester owned by your client's father. These stables are close to the appeal site and in my opinion the proposed development would enable the necessary high level of care and supervision to be provided at foaling time more effectively and with greater convenience than the present accommodation at South Lodge.

8. The Council contends that even if a dwelling close to the stables complex is needed, 2 units are not required. It appears to me, however, that the proposed accommodation on one site would enable a more comprehensive and co-ordinated response to be provided in cases of emergency such as fire, vandalism or theft. Furthermore, an improved degree of flexibility in the use of manpower would be likely in my view, particularly when all-night supervision during foaling is required.

9. Given appropriate design with suitable materials and suitable siting and landscaping in accordance with the matters reserved for subsequent approval, in my judgement the proposed development, standing close to the existing buildings, would not be unduly obtrusive in the pleasant landscape to the west of Fringford Road. It would not be sporadic development but would form part of a group of buildings in which the large riding school is the dominant visual feature. I consider that the visual amenities of the area would not be significantly affected.

10. The residents of Caversfield House have expressed concern about the effect of your client's scheme on views from their house. I observed, however, that Caversfield House stands a good distance to the north of the appeal site behind a substantial belt of mature trees, whereas the proposed dwelling and groom accommodation would stand to the south of and close to the riding school and stables complex, with a row of existing trees nearby to the north-west. While I agree that trees planted as part of landscaping scheme would not provide substantial close screening of the appeal site for several years, it is my opinion that even in winter the proposal would be unlikely to adversely affect the views from Caversfield House. In view of the location of the site and its distance from Caversfield House, I am also satisfied that the proposal would have no marked adverse effect on the setting of Caversfield House.

11. Although the proposed development would be in open countryside outside the limits of a settlement, I am satisfied that an essential need for the proposed residential accommodation has been established in accordance with the provisions of Policy H1 of the draft Rural Areas Local Plan. The proposal would not constitute sporadic development nor would it result in material detriment to the character and appearance of this locality. It would not therefore result in material conflict with the provisions of Structure Plan and draft Local Plan policies for the protection of the environment. In view of the special circumstances of the proposed development, I consider that the provisions of Structure Plan and draft Local Plan policies for the location of new housing would not be undermined. It is my opinion therefore that planning permission, subject to appropriate conditions, should be granted.

12. The Council has drawn my attention to the decisions on 2 appeals, ref: T/APP/C3105/A/86/056500/P5 and A/89/112418/P3. It appears to me that in each case, however, the circumstances differed significantly from those of the appeal before me where an essential need has been demonstrated for your client's proposal.

13. Your client would remove the existing caravan behind South Lodge. Having regard to the need for the proposed development and the provisions of the relevant policies of the draft Local Plan and the Structure Plan, I consider that conditions requiring the removal of the caravan shortly after the completion of the development and limiting the occupation of the new accommodation to employees of the riding school and stables enterprise should be imposed on the planning permission. In the interests of the visual amenities of this pleasing area of countryside, conditions covering the details of landscaping and boundary treatment should also be attached.

14. I have had regard for all the other matters raised in the written representations. I am satisfied, however, that these are outweighed by the considerations which have led to my decision.

15. For the above reasons, and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the erection of a dwelling house and single storey annex for a groom on land at South Lodge Riding Stables, Caversfield in accordance with the terms of the application (No CHS 999/88) dated 2 December 1988 and the plans submitted therewith, subject to the following conditions:

1. a. approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter referred to as 'the reserved matters' shall be obtained from the local planning authority;
- b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
  - a. 5 years from the date of this letter; or
  - b. the expiration of 2 years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved;
3. the occupation of the dwelling and single-storey annex hereby permitted shall be limited to persons solely employed at the South Lodge Riding School and stables establishment or a dependant of such a person residing with him or her or a widow or widower of such a person;
4. within 28 days of the first occupation of the development hereby permitted, the caravan used as living accommodation situated to the rear of the dwelling South Lodge shall be removed and no caravan used as living accommodation shall subsequently be stationed on the land occupied and used by the South Lodge Riding School and stables establishment without the written consent of the local planning authority;
5. no development shall take place until there has been submitted to and approved by the local planning authority a scheme of landscaping and boundary treatment which shall include indications of all existing trees and hedgerows on the land and details of any to be retained together with measures for their protection in the course of development.
6. all boundary treatment work, planting, seeding or turfing comprised in the approved details of landscaping and boundary treatment shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation.
16. Attention is drawn to the fact that an applicant for any consent, agreement or approval required by a condition of this permission and for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.
17. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant

*D.F. Binnion.*

D F BINNION BSc(Hons) CEng MICE DipTP MRTPI  
Inspector

**CHERWELL DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1971**  
**TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1977**  
**REFUSAL OF PERMISSION FOR DEVELOPMENT**

Mr. J. Kelly,  
c/o Peter Green Associates,  
Old Forge Studio,  
Steeple Aston,  
Oxon.,  
OX5 3RW.

**Brief particulars of application**


**Date** 2nd December, 1988  
**Location of land to which it relates** Caversfield, South Lodge Riding Stables.

**Brief particulars of development** Erection of dwellinghouse and single storey annex for groom (Outline).

The Cherwell District Council as District Planning Authority on the 2nd day of February, 1989 refused planning permission for the development described in your above-mentioned application and the plans accompanying such application. The reasons for the Council's decision to refuse permission for the development are set out in the attached schedule.

**Dated** - 8 FEB 1989

Bodicote House,  
Bodicote,  
Banbury,  
Oxon OX15 4AA

**CHERWELL DISTRICT COUNCIL**  
CERTIFIED A TRUE COPY  
  
A. M. GRACE  
Chief Executive/Secretary  
CHIEF EXECUTIVE  
**NOTES**

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements\*, to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.
- (2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council, a purchase notice requiring the Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
- (3) In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

\*The statutory requirements are those set out in Section 36(7) of the Town and Country Planning Act namely, Sections 29(1), 30(1), 67 and 74 of the Act.

REASONS FOR REFUSAL OF PERMISSION FOR DEVELOPMENT

The proposed dwelling would be contrary to the Structure Plan for Oxfordshire, and to the Council's Rural Areas Local Plan which identifies Caversfield as a Category III settlement within which the only acceptable housing development is either conversion of suitable redundant agricultural buildings or a new dwelling when an essential need for agriculture or other existing undertaking can be established. In the opinion of the Local Planning Authority such an agricultural or other need has not been demonstrated in this case.